

## Message Text

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ACTION AF-10

INFO OCT-01 EUR-12 ISO-00 IO-13 DHA-05 SSO-00 NSCE-00

INRE-00 PM-05 SP-02 SS-15 L-03 CIAE-00 DODE-00

INR-07 NSAE-00 PA-01 PRS-01 /075 W

-----113157 151821Z /53

O 151700Z SEP 77

FM AMEMBASSY KINSHASA

TO SECSTATE WASHDC IMMEDIATE 5807

AMEMBASSY BRUSSELS IMMEDIATE

AMEMBASSY PRETORIA

AMCONSUL LUBUMBASHI PRIORITY

AMEMBASSY LONDON PRIORITY

AMEMBASSY PARIS PRIORITY

AMEMBASSY LUSAKA PRIORITY

AMEMBASSY BUJUMBURA PRIORITY

AMEMBASSY KIGALI PRIORITY

USUN NY PRIORITY 1476

USIA WASHDC PRIORITY

C O N F I D E N T I A L KINSHASA 8881

PRETORIA FOR AMBASSADOR CUTLER

USIA FOR IAA

E.O. 11652: GDS

TAGS: PGOV, PINS, CG, US

SUBJECT: COMMUTATION OF NGUZA SENTENCE

REF: A) KINSHASA 8857; B) KINSHASA 8824; C) BRUSSELS 11879

1. SUMMARY: WHILE MOBUTU'S COMMUTATION OF NGUZA'S DEATH SENTENCE TO LIFE IMPRISONMENT (REFTEL A) HAD BEEN EXPECTED (REFTEL B), IT FORTUNATELY WAS DONE PUBLICLY AND QUICKLY. ACCORDING TO THE LOCAL RADIO, NGUZA'S REQUEST FOR CLEMENCY WAS COUCHED IN TERMS OF UTMOST CONFIDENTIAL

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HUMILITY. IN IT THE FORMER FOREIGN MINISTER BEGGED THE PRESIDENT'S PARDON FOR HAVING BEEN AMBITIOUS AND UNGRATEFUL. NGUZA DID NOT, HOWEVER, ADMIT ANY OF THE THREE SPECIFIC CHARGES OF WHICH THE SECURITY COURT HAD FOUND HIM GUILTY. MEANWHILE THE GOZ SEEMED TO SHOW A DESIRE NOT TO LET ITS RELATIONS WITH BELGIUM BECOME EMBITTERED OVER ACTIVITIES OF BELGIAN LAWYER WOLFE. END SUMMARY.

2. THE REGULAR 1 P.M. NEWS BROADCAST SEPT. 15 GAVE AN EXTENSIVE ACCOUNT OF PRESIDENT MOBUTU'S ACTION IN COMMUTING NGUZA'S DEATH SENTENCE. BOTH IN THE OFFICIAL ANNOUNCEMENT AND IN ITS LATER COMMENTARY, THE RADIO STRESSED THAT THE PRESIDENT ACTED ALONE, UNDER NO OUTSIDE PRESSURE, AND IN FULL SOVEREIGNTY. NO WORD OF THE EC REQUEST FOR CLEMENCY (REFTEL C) HAS BEEN DISSEMINATED LOCALLY. WE HAVE UNCONFIRMED REPORTS THAT SEVERAL AFRICAN GOVERNMENTS ALSO REQUESTED PRESIDENT MOBUTU TO EXERCISE CLEMENCY.

3. RADIO ACCOUNTS OF MOBUTU'S ACTION QUOTED THE PRESIDENT AS HAVING CHARGED IN SEPT 15 INTERVIEW THAT NGUZA HAD ACTED AS A "COMMON FOREIGN AGENT". THE DETAILED ACCOUNT OF NGUZA'S PLEA FOR CLEMENCY AS BROADCAST BY THE RADIO, DID NOT, HOWEVER, CLAIM THAT NGUZA HAD ADMITTED ANYTHING BUT HAVING BEEN AMBITIOUS AND UNGRATEFUL.

4. AT THE SAME TIME THAT THE PRESIDENT COMMUTED NGUZA'S DEATH SENTENCE TO LIFE IMPRISONMENT, HE ORDERED THE STATE PROSECUTOR NOT TO PROCEED WITH THE CASE AGAINST MWANT YAV, THE PARAMOUNT CHIEF OF THE LUNDA TRIBE. WE UNDERSTAND THIS IS NEITHER A PARDON NOR A DETERMINATION THAT THE MWANT YAV IS INNOCENT BUT, SIMPLY A DECISION NOT TO PROCEED WITH THE CASE AT THIS TIME.

5. THE RADIO ACCOUNT OF THE PRESIDENT'S ACTION IN COMMUTING NGUZA'S DEATH SENTENCE EMPHASIZED THE CONCERN SHOWN BY "CERTAIN BELGIAN CIRCLES" IN NGUZA'S FATE. CLAIMING THAT THIS CONCERN WAS BOTH CONFIDENTIAL

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UNJUSTIFIED AND UNUSUAL, THE REPORT NOTED THAT NO SUCH INTEREST HAD BEEN SHOWN IN THE FATE OF COL. MAMPA, WHOSE DEATH SENTENCE HAD ALSO BEEN COMMUTED TO LIFE IMPRISONMENT. (THIS WAS THE FIRST PUBLIC ANNOUNCEMENT THAT THE PRESIDENT HAD TAKEN THIS ACTION IN REGARD TO COL. MAMPA.)

6. UNTIL THE ANNOUNCEMENT OF NGUZA'S REPRIEVE WAS MADE AT THE 1 P.M. NEWSCAST ON SEPT. 15, THE CASE HAD ALMOST DISAPPEARED FROM THE LOCAL NEWS MEDIA. THE SOLE EXCEPTION WAS AN "ELIMA" EDITORIAL OF SEPT. 15 CONDEMNING LAWYER WOLFE'S "VIOLATION OF ZAIRE'S SOVEREIGNTY." THIS EDITORIAL WAS SOMEWHAT MORE CONCILIATORY THAN THE GOZ OFFICIAL PROTEST OVER WOLFE'S ACTIONS (REFTEL B). IT EMPHASIZED THE IMPORTANCE OF MAINTAINING ZAIRE'S NATIONAL SOVEREIGNTY, A NOTE WHICH HAS CONSIDERABLE APPEAL TO VITALLY ALL ZAIRIANS. AT THE SAME TIME, THE EDITORIAL OFFERED AN OLIVE BRANCH OF SORTS BY STATING THAT "AS FAR AS ZAIRE IS CONCERNED, WE HOPE THAT THE AGITATION SHOWN IN CERTAIN BELGIAN CIRCLES ABOUT THE NGUZA TRIAL WILL NOT COMPROMISE THE GOOD CLIMATE WHICH HAS ALWAYS REIGNED BETWEEN THE TWO SOVEREIGN STATES EVER SINCE ZAIRIANS AND BELGIANS RESOLVED TO FORGET THE DIFFERENCES WHICH HAD DIVIDED THEM IN THE PAST." WE NOTE FROM REFTEL C THAT THE BELGIAN GOVERNMENT'S PUBLIC RESPONSE TO THE PROTEST SIMPLY EMPHASIZES THE RIGHTS OF FREE SPEECH

AND PRESS WE ASSUME IT WILL NOT EMBITTER FURTHER BELGIAN-ZAIRIAN  
RELATIONS. IN FACT WE UNDERSTAND FROM A BELGIAN EMBASSY SOURCE  
THAT WHEN CHARGE WINTERBEECK MET SEPT 15 WITH FORNMIN UMBA TO PLAN  
SIMONET-MOBUTU MEETING (BRUSSELS 11905) CORDIALITY REIGNED.  
DAVIS

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NNN

## Message Attributes

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